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# NOTIFICATION.

No. L.D. 566—Legis. 3-51-13, dated Bangalore, 13th June 1951.

Ordered that the accompanying Contempt of Courts Bill, 1951 (Central Bill No. 46 of 1951) published in the *Gazette of India*, Part II, Section 2, dated the 12th May 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

*Legal Remembrancer and*
*Secretary to Government;*
*Law Department.*

GOVERNMENT OF INDIA.

**PART II—Section 2.**

## BILLS AND REPORTS OF SELECT COMMITTEES ON BILLS.

PARLIAMENT OF INDIA.

The following Bills were introduced in Parliament on the 8th May, 1951 :—

BILL No. 46 OF 1951.

*A Bill to define and limit the powers of certain courts in punishing contempts of courts.*

BE it enacted by Parliament as follows :—

**1. Short title and extent.**—(*1*) This Act may be called the Contempt of Courts Act, 1951.

(*2*) It extends to the whole of India except the State of Jammu and Kashmir.

**2. Definition.**—In this Act, "High Court" means the High Court for a Part A State or a Part B State, and includes the Court of the Judicial Commissioner in a Part C State.

**3. Power of High Court to punish contempts of subordinate courts.**—(*1*) Subject to the provisions of sub-section (*2*), every High Court shall have and exercise the same jurisdiction, powers and authority, in accordance with the same procedure and practice, in respect of contempts of courts subordinate to it as it has and exercises in respect of contempts of itself.

(*2*) No High Court shall take cognizance of a contempt alleged to have been committed in respect of a court subordinate to it where such contempt is an offence punishable under the Indian Penal Code (Act XLV of 1860).

**4. Limit of punishment for contempt of court.**—Save as otherwise expressly provided by any law for the time being in force, a contempt of court may be punished with simple imprisonment for a term which may extend to six months, or with fine which may extend to two thousand rupees, or with both :

Provided that the accused may be discharged or the punishment awarded may be remitted on apology being made to the satisfaction of the court :

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Provided further that notwithstanding anything elsewhere contained in any law for the time being in force, no High Court shall impose a sentence in excess of that specified in this section for any contempt either in respect of itself or of a court subordinate to it.

**5. Power of High Court to try offences committed or offenders found outside jurisdiction.**—A High Court shall have jurisdiction to inquire into or try a contempt of itself or of any court subordinate to it, whether the contempt is alleged to have been committed within or outside the local limits of its jurisdiction and whether the person alleged to be guilty of the contempt, is within or outside such limits.

**6. Repeals and savings.**—(*1*) The Contempt of Courts Act, 1926 (XII of 1926), and the enactments specified in the Schedule are hereby repealed.

(*2*) Section 6 of the General Clauses Act, 1897 (X of 1897), shall apply to the repeal of any of the laws specified in the Schedule as it applies to the repeal of the Contempt of Courts Act, 1926 (XII of 1926).

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## THE SCHEDULE.

(*See* SECTION 6).

| | *Short title and description of enactment* | *Extent of repeal* |
|---|---|---|
| 1 | The Contempt of Courts Act, IV of 1355F., as in force in the State of Hyderabad ... | ... The whole |
| 2 | The Indore Contempt of Courts Act, No. V of 1930, as in force in the State of Madhya Bharat. ... | ... The whole |
| 3 | The Contempt of Courts Act, Gwalior State, Samvat 2001, as in force in the State of Madhya Bharat ... | ... The whole |
| 4 | The Contempt of Courts Act, 1930 (XI of 1930), as in force in the State of Mysore ... | ... The whole |
| 5 | The Contempt of Courts Act, S. 1991 (V of S. 1991), as in force in the Patiala and East Punjab States Union | ... The whole |
| 6 | The Patiala and East Punjab States Union Judicature Ordinance, S. 2005 (X of S. 2005) ... | ... Section 33 |
| 7 | The Contempt of Courts Act, 1926 (XII of 1926), as in force in the State of Rajasthan before the commencement of this Act. | The whole |
| 8 | The Contempt of Courts Act, 1926 (XII of 1926), as in force in the State of Saurashtra before the commencement of this Act. | The whole |
| 9 | The High Court of Judicature Saurashtra State Ordinance, 1948 (Saurashtra Ordinance II of 1948) ... | ... Section 31 |
| 10 | The Cochin Contempt of Courts Act (XXXII of 1111), as in force in the State of Travancore—Cochin ... | ... The whole |

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## STATEMENT OF OBJECTS AND REASONS.

The Constitution recognises the power of High Courts to punish for contempts of them; but there is no specific provision of law which enables a High Court to exercise this power in respect of a contempt committed beyond its territorial jurisdiction. It is desirable that a High Court as a court of record, should be able to punish for contempt of itself and of courts subordinate to it irrespective of whether the contempt is committed within or outside its territorial jurisdiction and irrespective of whether the alleged contemner is for the time being at a place within or outside such jurisdiction. The Bill seeks mainly to achieve this object. Incidentally the Act is sought to be made applicable to Part B States also, the local laws on the subject being repealed.

C. RAJAGOPALACHARI.

NEW DELHI;
*The 26th April*, 1951.

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